



FRANCIS ALEXANDER LLC

DECEMBER 18, 2023

THE HONORABLE NAOMI REICE BUCHWALD  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: Scheduling and Length Stipulation for Pre-Motion to Dismiss Letter**  
Elliott v. Cartagena et al. - 1:19-cv-01998

Dear Judge Buchwald,

Counsel for the parties appeared before Your Honor on Thursday, December 14, 2023, for a status conference, after this case was remanded from the Second Circuit. The following counsel were present for the plaintiffs and defendants respectively: Francis Malofiy, AJ Fluehr, Eleanor Lackman, Ilene Farkas, Hillel Parness, Dariush Adli, and Colin Steele.

The court directed the parties to agree on a schedule for the submission of Defendants' letter requesting a pre-motion conference for a motion to dismiss,<sup>1</sup> and then Plaintiff's letter response.

The parties have conferred and they stipulate that Defendants will file their pre-motion letter on or before January 9, 2024, and Plaintiff's response will be due on or before January 19, 2024. The parties likewise stipulate that Defendants be permitted eight (8) pages for their letter, consistent with the scope permitted when Rule 12 pre-motion letters were filed previously, and Plaintiff be permitted eight (8) pages for a response.

The parties respectfully request that this Honorable Court endorse this letter and so order the requested relief.

Respectfully, I am,

Francis Malofiy, Esquire

Cc: All counsel of record

Applica-  
tions  
granted.  
Naomi  
Reice  
Buchwald,  
USDS  
12/19/23

<sup>1</sup> This is pursuant to paragraph 2.B of Your Honor's Individual Practices.